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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,707	08/06/2001	James Phillip Slupe	HP10013721-1	1568

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EXAMINER	
ELAHEE, MD S	
ART UNIT	**PAPER NUMBER**
2645	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/923,707	SLUPE, JAMES PHILLIP	
	Examiner	Art Unit	
	Md S. Elahee	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-18 and 20-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-18 and 20-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 11/15/04. Claims 1-6, 8-18 and 20-29 are pending. Claims 7 and 19 have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6, 8-18 and 20-29 have been fully considered but they are not persuasive.

Regarding claim 1, the Applicant argues on page 10, lines 32-34 for the added limitation that "Clearly, Bickford is at most teaching a location of storage frequencies at preset locations, not a storage of station location coordinates as presently claimed". The examiner disagrees with this argument. Each storage frequency corresponds inherently a location of a particular station. Therefore, Bickford teaches storage of coordinates associated with corresponding particular locations (see col.8, lines 4-21, col.13, lines 4-7, 10-12). Thus the rejection of the claim in view of Bates and Bickford remain.

Regarding claims 9 and 20, the Applicant argues on page 11, lines 10-12 that "First, there is no basis for the combination. GPS receivers inherently provide position information. Hence, there would be no reason to connect the output of the GPS receiver to a controller of a receiver to simply ascertain position information". The examiner disagrees with this argument. Examiner relied upon Dennison for the teaching of GPS receiver in order to modify Bates so that it is possible to determine the geographic location of the receiver (see fig.6; col.5, lines 54-62). Thus the rejection of the claim in view of Bates and Dennison remain.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 25 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (U.S. Patent No. 6,748,237).

Regarding claim 25, Bates teaches a primary tuner 18 (i.e., radio receiver) having an input for receiving radio station identities (fig.6, block 166) for specifying radio stations for reception and an output indicating a presently received signal strength (fig.1, 6, 7; col.4, lines 9-23, 56-65, col.7, lines 61-67, col.8, lines 1-13, 37-51). (Note; tuner receives packets and packets contain the station identification, therefore, it is clear that the tuner receives station identification)

Bates further teaches a memory having stored therein a plurality of radio station identities organized according to program content specifiers, the plurality of station identities and the program content specifiers are programmed into the memory through a subscription service (fig.1, 5; col.3, lines 15-24, 34-36, 56-62, col.4, lines 9-14, 56-67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-42). (Note; a set button is used to select the program or songs being received by the user and stored user preference information is used to select the station, it is clear that memory inherently stores the station identification)

Bates further teaches a controller coupled to the output and operable to recall, and couple to the input, one of the plurality of radio station identities referenced to the same program content specifier as the presently specified radio station when the presently received signal strength meets a threshold (fig.1, 4-7; col.4, lines 9-23, col.6, lines 29-41, 51-67, col.7, lines 20-45, 61-67, col.8, lines 1-13, 37-51).

Regarding claim 27 is rejected for the same reasons as discussed above with respect to claim 25. Furthermore, Bates teaches providing a plurality of station identities and program content specifiers to the memory via a subscription service (fig.1, 5; col.4, lines 9-14, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13).

Bates further teaches monitoring the signal strength of a present radio station signal (fig.6; col.6, lines 27-35, col.7, lines 20-35, col.8, lines 21-51).

Bates further teaches determining that the signal strength has met a threshold (fig.6; col.6, lines 27-35, col.7, lines 20-35, col.8, lines 21-51).

Bates further teaches selecting a radio station identity from the memory that has the same program content specifier as the present radio station (fig.1; col.3, lines 15-24, 34-36, 56-62, col.4, lines 56-67, col.5, lines 1-6, 11-23, col.8, lines 5-42). (Note; a set button is used to select the program or songs being received by the user and stored user preference information is used to select the station, it is clear that memory inherently stores the station identification)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-6, 8, 11-15 and 16-18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (U.S. Patent No. 6,748,237) in view of Bickford et al. (U.S. Patent No. 6,021,320).

Regarding claim 1, Bates teaches a primary tuner 18 (i.e., radio receiver) having an input for receiving radio station identities (fig.6, block 166) for specifying radio stations for reception and an output indicating a presently received signal strength (fig.1, 6, 7; col.4, lines 9-23, 56-65, col.7, lines 61-67, col.8, lines 1-13, 37-51). (Note; tuner receives packets and packets contain the station identification, therefore, it is clear that the tuner receives station identification)

Bates further teaches a memory having stored therein a plurality of radio station identities organized according to program content specifiers (fig.1; col.3, lines 15-24, 34-36, 56-62, col.4, lines 56-67, col.5, lines 1-6, 11-23, col.8, lines 5-42). (Note; a set button is used to select the program or songs being received by the user and stored user preference information is used to select the station, it is clear that memory inherently stores the station identification)

However, Bates does not specifically teach "said the memory has stored therein a plurality of location coordinates associated with said plurality of radio station identifiers". Bickford teaches that the memory has stored therein a plurality of location (i.e., location coordinates) associated with the plurality of radio station identifiers (fig.7; col.8, lines 4-21, col.13, lines 10-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bates to allow the memory stored therein a plurality of location coordinates associated with the plurality of radio station identifiers as taught by Bickford. The motivation for

the modification is to have doing so in order to find out the available programs corresponding to a particular location.

Bates further teaches a controller coupled to the receiver and the memory and operable to recall, one of the plurality of radio station identities referenced to the same program content specifier as the presently specified radio station when the presently received signal strength meets a threshold (fig.1, 4-7; col.4, lines 9-23, col.6, lines 29-41, 51-67, col.7, lines 20-45, 61-67, col.8, lines 1-13, 37-51).

Regarding claims 2, 12 and 14, Bates teaches that the plurality of station identities and the program content specifiers are manually programmed into the memory through a user interface on the apparatus (fig.1, 5; col.4, lines 9-14, 33-42, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13). (Note; the ordered list is inherent)

Regarding claims 3 and 15, Bates fails to teach "said plurality of station identities and said program content specifiers are preprogrammed into said memory by the supplier of the apparatus". Bickford teaches that the plurality of station identities and the program content specifiers are preprogrammed into the memory (col.2, lines 28-31, col.13, lines 10-12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bates to allow the plurality of station identities and the program content specifiers being preprogrammed into the memory by the supplier of the apparatus as taught by Bickford. The motivation for the modification is to have doing so in order to create a signal category if the signal category does not preexist.

Regarding claims 4 and 16, Bates teaches that the plurality of station identities and the program content specifiers are programmed into the memory through a subscription service (fig.1, 5; col.4, lines 9-14, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13).

Regarding claims 5 and 17, Bates teaches that the plurality of station identities and the program content specifiers are programmed into the memory with packets (i.e., data) received by the radio receiver (fig.1, 5; col.4, lines 9-14, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13).

Regarding claims 6 and 18, Bates teaches that the controller is operable to sequentially scan the memory to locate the one of the plurality of radio station identities that is recalled and coupled to the input each subsequent time the presently received signal strength meets said threshold (fig.1, 5-7; col.4, lines 9-14, 33-42, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13).

Regarding claim 8 is rejected for the same reasons as discussed above with respect to claim 7. Furthermore, Bates teaches that the controller is operable to scan the plurality of radio station identifiers in the memory ordered according to the program content specifiers (fig.1, 5; col.4, lines 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-51).

Regarding claim 11, Bates teaches that the memory has stored therein an ordered list of program content specifiers, and wherein the controller is operable to sequence through the ordered list to define a replacement present program content specifier when the controller in unable to locate and recall one of the plurality of radio station identities referenced to the same program content specifier as the presently specified radio station (fig.1, 5; col.4, lines 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13). (Note; the ordered list is inherent)

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claims 1, 6 and 11. Furthermore, Bates teaches monitoring the signal strength of a present radio station signal (fig.6; col.6, lines 27-35, col.7, lines 20-35, col.8, lines 21-51).

Bates further teaches determining that the signal strength has met a threshold (fig.6; col.6, lines 27-35, col.7, lines 20-35, col.8, lines 21-51).

Bates further teaches selecting a radio station identity from the memory that has the same program content specifier as the present radio station (fig.1; col.3, lines 15-24, 34-36, 56-62, col.4, lines 56-67, col.5, lines 1-6, 11-23, col.8, lines 5-42). (Note; a set button is used to select the program or songs being received by the user and stored user preference information is used to select the station, it is clear that memory inherently stores the station identification)

Regarding claim 24 is rejected for the same reasons as discussed above with respect to claims 1 and 3.

Regarding claim 26 is rejected for the same reasons as discussed above with respect to claims 3 and 13.

7. Claim 9, 10, 19-23, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (U.S. Patent No. 6,748,237) in view of Bickford et al. (U.S. Patent No. 6,021,320) further in view of Dennison et al. (U.S. Patent No. 5,815,814).

Regarding claims 9 and 20, Bates in view of Bickford does not specifically teach "a global positioning system receiver coupled to said controller for providing present location coordinates of the apparatus". Dennison teaches a global positioning system receiver coupled to the logic circuitry (i.e., controller) for providing present location coordinates of the apparatus (abstract; fig.6; col.5, lines 54-62, col.6, lines 37-54). Thus, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Bates in view of Bickford to incorporate a global positioning system receiver coupled to the controller for providing present location coordinates of the apparatus as taught by Dennison. The motivation for the modification is to have doing so in order to determine the precise location of a mobile unit.

Regarding claims 10 and 21 are rejected for the same reasons as discussed above with respect to claims 7 and 9. Furthermore, Bates teaches that the controller is operable to search the memory to locate the one of the plurality of radio station identities that is recalled and coupled to the input according to the program content specifier of the presently received signal (fig.1, 5-7; col.4, lines 9-14, 33-42, 66, 67, col.5, lines 1-23, col.7, lines 20-35, col.8, lines 5-13).

Regarding claim 19 is rejected for the same reasons as discussed above with respect to claims 7 and 9.

Regarding claim 22 is rejected for the same reasons as discussed above with respect to claim 11.

Regarding claim 23 is rejected for the same reasons as discussed above with respect to claim 12.

Regarding claim 28 is rejected for the same reasons as discussed above with respect to claims 1 and 9.

Regarding claim 29 is rejected for the same reasons as discussed above with respect to claims 9 and 13.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tikka et al. (U.S. Patent No. 6,684,068) teach Method for transmitting a message to a mobile station.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.
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